

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARK C. CHRISTENSON,	)	CASE NO.: C06-1125-MJP
	)	
Plaintiff,	)	
	)	
v.	)	REPORT AND RECOMMENDATION
	)	
SAFEWAY FOOD AND DRUG,	)	
	)	
Defendant.	)	
_____	)	

INTRODUCTION AND SUMMARY CONCLUSION

Plaintiff Mark C. Christenson submitted an *in forma pauperis* (IFP) application, but failed to include a Written Consent for Payment of Costs form. (Dkt. 1.) Plaintiff included with his application a one-page "Complaint" listing the terms "Theft," "Negligence," and "Slander" in the caption. (*Id.*) The complaint contained no further information regarding plaintiff's claims. Nor did it provide a request for relief or basis for jurisdiction in this Court. Plaintiff also submitted a letter noting that "appellate actions have been appealed[]" and stating: "Your eastern sister tells me of agreement on forms between the courts. As I am want of your anchor's handiwork please accept the filled out photostatic forms headed with the courts moniker for your record." (*Id.*)

01 The Court issued a Minute Order directing plaintiff to submit a signed Written Consent for  
02 Payment of Costs form within thirty days. (Dkt. 2.) The Court also advised plaintiff to submit  
03 a revised complaint addressing the basis for jurisdiction and venue in this Court and providing  
04 sufficient detail regarding his claims. (*Id.*)

05 Plaintiff submitted a number of documents following the issuance of the Minute Order.  
06 (*See* Dkts. 3, 5-11.) None of those submissions included a Written Consent for Payment of Costs  
07 form, a revised complaint, or any further detail regarding plaintiff's claims or the basis for  
08 jurisdiction in this Court. Instead, like the proposed complaint, the various documents submitted  
09 by plaintiff lack substance: "Emblazonment[: ] Appeal prosecution forbids my communication with  
10 this court as regards this action[.]" (Dkt. 5); stating "Objecta restated" and listing complaints  
11 about an "Unanswered petition for writ[.]" (Dkt. 6.)

12 Under 28 U.S.C. § 1915(e)(2)(B), the Court may deny an application to proceed IFP and  
13 should dismiss an action if, among other things, it is frivolous or the complaint fails to state a claim  
14 upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v. Doe*, 920  
15 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if "it lacks an arguable basis either in law or  
16 in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

17 Here, plaintiff fails to allege any facts to place defendant on notice of the nature of his  
18 claims, to request any relief, or to provide any basis for jurisdiction in this Court. *See* Fed. R. Civ.  
19 P. 8(a). Because this action appears frivolous and fails to state a claim upon which relief can be  
20 granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil  
21 Procedure 12(b)(6).

22 It should also be noted that two other actions simultaneously filed by plaintiff in this Court

01 have been deemed frivolous. *See Christenson v. Municipal Court of Seattle*, No. C06-1124JLR  
02 (Dkt. 10) and *Christenson v. Washington State Supreme Court*, No. C06-5454RBL (Dkt. 6). The  
03 Court advises plaintiff of his responsibility to research the facts and law before filing an action to  
04 determine whether his action is frivolous. If he files a frivolous action, he may be sanctioned. *See*  
05 Fed. R. Civ. P. 11. The court would likely impose a sanction of dismissal on any frivolous action.  
06 If plaintiff files numerous frivolous or malicious actions, the court may bar him from proceeding  
07 IFP in this court. *See DeLong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing  
08 bar order requirements).

09 Accordingly, because of the deficiencies in plaintiff's IFP application and complaint, his  
10 request to proceed IFP should be denied and this action dismissed without prejudice. *See* 28  
11 U.S.C. § 1915(e)(2)(B). A proposed Order of Dismissal accompanies this Report and  
12 Recommendation.

13 DATED this 26th day of September, 2006.

14  
15   
16 Mary Alice Theiler  
United States Magistrate Judge